

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

AQUA ILLINOIS, INC.	:	
	:	
Petition for Temporary and Permanent	:	
Certificates of Public Convenience and	:	11-0369
Necessity to Construct, Operate and	:	
Maintain Water and Wastewater Systems	:	
under Section 8-406 of the Public Utilities	:	
Act.	:	

INTERIM ORDER

By the Commission:

On April 25, 2011, Aqua Illinois, Inc. ("Aqua," "Company" or "Petitioner") filed a Verified Petition with the Illinois Commerce Commission ("Commission") for both temporary and permanent Certificates of Public Convenience and Necessity ("Temporary Certificate" and "Permanent Certificate," respectively) pursuant to Section 8-406 of the Illinois Public Utilities Act ("Act"), 220 ILCS 5/8-406, to authorize Aqua to construct, operate and maintain a water distribution system and wastewater collection system, and in connection therewith, transact a public utility business, in an area of Will County, Illinois which is contiguous to areas for which the Company was previously granted a Certificate of Public Convenience and Necessity. Aqua requested that, with respect to the Temporary Certificate, its Verified Petition be reviewed on an expedited basis. On May 27, 2011, the Commission Staff ("Staff") filed the Verified Statement of William Atwood in response to Aqua's application for the Temporary Certificate. On June 3, 2011, Aqua filed the Direct Testimony of Craig L. Blanchette in support of its Verified Petition.

Statutory Authority

Section 8-406(e) of the Act provides in part:

The Commission may issue a temporary certificate which shall remain in force not to exceed one year in cases of emergency, to assure maintenance of adequate service or to serve particular customers, without notice or hearing, pending the determination of an application for a certificate.

220 ILCS 5/8-406(e).

Relief Sought by the Company

Aqua provides water and sewer utility service to the public in certain areas of Will, Kankakee, Vermillion, Boone, Knox, Lake, Champaign, Cook and Dekalb Counties in the State of Illinois. It is a public utility within the meaning of the Act, 220 ILCS 5/3-105. In Docket Nos. 84-0116, 88-0060, 94-0461, and 98-0340, the Commission granted Aqua Certificates of Public Convenience and Necessity to provide water distribution and wastewater collection service to areas of Will County, Illinois (the "Original Certificated Area"). The Original Certificated Area is adjacent to Monee Township. In this proceeding, Aqua seeks a Temporary Certificate for an area of Will County contiguous to the Original Certificated Area (the "Expanded Area").

As Mr. Blanchette testified, in order to serve its customers in the Original Certificated Area, Aqua caused to be constructed sewer mains along Ridgeland Avenue (the "Ridgeland Mains") within the Original Certificated Area. The Original Certificated Area and the Ridgeland Mains are adjacent to an area of Will County situated in Monee Township which is not currently served by Aqua, the Expanded Area. The Expanded Area consists of light commercial developments (strip malls), two residences, and undeveloped areas. The majority of the Expanded Area is within the corporate limits of the Village of Monee ("Monee"). Mr. Blanchette testified that BC Development owns two commercial buildings in the Expanded Area which house a variety of commercial tenants. BC Development and its commercial tenants have daily sanitary requirements which are currently being served on a "pump and haul" basis by Monee. Mr. Blanchette testified that Monee has requested that Aqua relieve this burden, and that the Company take "any and all available actions to expedite certificating" the Expanded Area so that Aqua can immediately serve BC Development's sanitary sewer demands.

Mr. Blanchette testified the Ridgeland Mains are adjacent to the Expanded Area on the west side of Ridgeland Avenue. BC Development is located on the east side of Ridgeland Avenue. In order to serve BC Development and the Expanded Area, and to respond to Monee's request, Mr. Blanchette explained Aqua will allow BC Development to connect to the Ridgeland Mains. Mr. Blanchette testified Aqua is requesting a Temporary Certificate so that it may expeditiously undertake connection of the Ridgeland Mains to BC Development's facilities, thereby begin serving the sanitary needs of BC Development and its commercial tenants, pending the Commission's ruling on Aqua's request for a Permanent Certificate. Mr. Blanchette believes an emergency situation exists justifying a Temporary Certificate because Monee is currently serving BC Development's sanitary needs, but no longer wishes to do so, and has asked Aqua to take all available action to relieve Monee of this burden. Mr. Blanchette testified that no municipal corporation or other entity owns a wastewater collection system within a reasonable proximity to the Expanded Area, or is able to render sewer utility service to the Expanded Area.

Mr. Blanchette testified Aqua has the technical, financial and managerial ability to construct, operate and maintain a sewage treatment and collection system for the

Expanded Area. He further testified Aqua is capable of efficiently managing and supervising any necessary construction processes, and it will take sufficient action to assure that any construction and supervision thereof are adequate and efficient. Additionally, he testified the provision of public water and sewer service in the Expanded Area will impose no financial burden on either Aqua or its existing customers. Mr. Blanchette further testified, under the Temporary Certificate, Aqua proposes that the rates for sewer service in the Expanded Area be those currently in effect (or as modified) in Aqua's University Park Division.

Staff's Position

Staff witness William Atwood, in his Verified Statement, acknowledged Aqua has been asked to provide immediate wastewater collection service to the Expanded Area. He stated there are two commercial buildings in the Expanded Area which house a variety of commercial tenants who have sanitary sewage needs which require pumping and hauling of raw sewage on a daily basis by Monee. Mr. Atwood stated Monee has requested that Aqua relieve this burden, and that it take "any and all available actions to expedite certificating" the Expanded Area so that Aqua can serve the existing commercial tenant's sanitary sewer demands. Mr. Atwood further stated the Company has existing sanitary sewer mains along and immediately adjacent to the west side of the Expanded Area; Aqua proposes serving the Expanded Area via these mains.

Mr. Atwood concluded that, based on the requirements of Section 8-406(e) of the Act and the facts set forth in his Verified Statement, an emergency condition exists with respect to the provision of sewer service to the Expanded Area depicted and legally described in Exhibits A and B to Aqua's Verified Petition. He also stated that the Company has adequate sewer facilities and is capable of providing sewer service to the Expanded Area on a temporary basis, and that the Company is capable of efficiently managing and supervising the expedited construction of the sewer main extension requested under the Temporary Certificate.

Mr. Atwood recommended that Aqua be:

- (1) issued a Temporary Certificate to provide sewer service to the Expanded Area depicted and legally described in Exhibits A and B of the Verified Petition;
- (2) ordered to charge the rates that are currently in effect for sewer service in Aqua's University Park Division to the commercial customers within the Expanded Area until such time that the Commission orders that replacement sewer rates be established; and
- (3) ordered to provide sewer service according to the Rules, Regulations, and Conditions of Service Tariffs for Sewer Service currently in effect in the Company's University Park Division.

Commission Analysis and Conclusion

Having reviewed the filings, the Commission finds that an emergency need exists for the temporary provision of wastewater collection service by Petitioner to the Expanded Area, depicted in Aqua's Petition Exhibit A, and legally described in Aqua's Petition Exhibit B. No other public sewer service provider is interested in or has the capability and capacity to operate such a system. Staff has concurred that an emergency exists and recommends that Aqua be granted a Temporary Certificate. Aqua's Verified Petition for a Temporary Certificate should therefore be granted pursuant to Section 8-406(e) of the Act, subject to the conditions set forth by Staff in Mr. Atwood's Verified Statement.

Findings and Ordering Paragraphs

The Commission, having considered the entire record herein, is of the opinion and finds that:

- (1) Petitioner is a public utility engaged in the business of furnishing water and wastewater utility service to the public in the State of Illinois and is a public utility within the meaning of Section 3-105 of the Act;
- (2) the Commission has jurisdiction over the Petitioner and the subject matter hereof;
- (3) the facts recited and conclusions reached in the prefatory portions of this Order are supported by the record and are hereby adopted as findings of fact and law;
- (4) an emergency need exists for the temporary furnishing of wastewater collection service by Aqua Illinois, Inc. to the Expanded Area, as described in the Verified Petition;
- (5) Petitioner has the technical, financial and managerial abilities to provide the wastewater collection service described in the Verified Petition under a Temporary Certificate; and
- (6) the rates and charges and Rules, Regulations, and Conditions of Service tariffs for wastewater collection service currently in effect, or as subsequently revised, in Aqua Illinois, Inc.'s University Park Division, are reasonable and should be approved for the Expanded Area under the Temporary Certificate.

IT IS THEREFORE ORDERED by the Commission that a Temporary Certificate is hereby granted to Petitioner pursuant to Section 8-406(e) of the Act as follows:

**TEMPORARY CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY**

IT IS HEREBY CERTIFIED that the public convenience and necessity require the operation and maintenance by Aqua Illinois, Inc. of a public wastewater collection system to provide temporary sewer service to the Expanded Area, as shown in a map identified as Petition Exhibit A and as legally described in Petition Exhibit B, for a period not to exceed one (1) year from the date hereof.

IT IS FURTHER ORDERED that, for purposes of the Temporary Certificate, Aqua Illinois, Inc. charge the rates and charges that are currently in effect for wastewater collection service in the University Park Division to the Expanded Area customers until such time that the Commission orders that replacement wastewater collection rates be established;

IT IS FURTHER ORDERED that, for purposes of the Temporary Certificate, Aqua Illinois, Inc. provide wastewater collection service according to the Rules, Regulations, and Conditions of Wastewater Collection Service Tariffs in Aqua Illinois, Inc.'s University Park Division;

IT IS FURTHER ORDERED that the relief granted herein does not create any presumptions with respect to any showings to be made or issues to be determined in Petitioner's pending application for a Permanent Certificate in Docket No. 11-0369;

IT IS FURTHER ORDERED that this Order is not final and is not subject to the Administrative Review Law.

By Order of the Commission this 22nd day of June, 2011.

(SIGNED) DOUGLAS P. SCOTT

Chairman